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10				
11	JULIA HARUMI MASS, State Bar No. 189649 ALAN L. SCHLOSSER, State Bar No. 49957 AMERICAN CIVIL LIBERTIES UNION FOUNDATION			
12	OF NORTHERN CALIFORNIA, INC. 39 Drumm Street			
13	San Francisco, CA 94111 Telephone: (415) 621-2493			
14				
15				
16				
17	UNITED STATES DISTRICT COURT			
18	NORTHERN DISTRICT OF CALIFORNIA			
19	SAN FRANCIS	SCO DIVISION		
20	UELIAN DE ABADIA-PEIXOTO, et al.,	) Case No.: 3:11-cv-4001 RS		
21	Plaintiffs,	CLASS ACTION		
22	v.	JOINT STIPULATION AND		
23	UNITED STATES DEPARTMENT OF HOMELAND SECURITY, et al.,	) [PROPOSED] ORDER SETTING ) BRIEFING AND HEARING DATE ) ON PLAINTIFFS' ANTICIPATED		
24	Defendants.	UNOPPOSED MOTION FOR		
25	Berendunts.	<ul> <li>PRELIMINARY APPROVAL OF</li> <li>CLASS ACTION SETTLEMENT,</li> <li>AND SUBSTITUTING CERTAIN</li> </ul>		
26		) DEFENDANTS		
27		)		
28	stipulation and [proposed] order re. motion for preliminary approval and substituting defendants_(palib1_5936126_2)			
	JOINT STIPULATION AND [PROPOSED] ORDER 3:11-CV-4001 RS	<u> </u>		
	3.11-CV-4001 K5			

Pursuant to Civil Local Rule 7-12, the parties, by and through their respective undersigned counsel of record, hereby stipulate and agree, subject to this Court's approval, as follows:

WHEREAS, on August 15, 2011, Plaintiffs Uelian De Abadia-Peixoto, Esmar Cifuentes, Pedro Nolasco Jose and Mi Lian Wei ("Named Plaintiffs") filed their class action civil rights complaint for injunctive and declaratory relief against Defendants United States Department of Homeland Security ("DHS"); Janet Napolitano, Secretary of DHS; United States Immigration and Customs Enforcement ("ICE"); John T. Morton, Director of ICE; Timothy Aitken, Field Office Director of the San Francisco District of ICE; Eric H. Holder, Jr., United States Attorney General; the Executive Office for Immigration Review ("EOIR"), and Juan P. Osuna, Director of EOIR (collectively, "Defendants") (Dkt. No. 1);

WHEREAS, on December 23, 2011, after considering the parties' briefing, the Court denied Defendants' motion to dismiss and certified Plaintiffs' class consisting of all current and future adult immigration detainees who have or will have proceedings in immigration court in San Francisco, with Named Plaintiffs serving as class representatives (Dkt. No. 52);

WHEREAS, in July 2013, ICE Director John T. Morton resigned as Director of ICE, and in August 2013, John Sandweg became the Acting Director of ICE;

WHEREAS, on September 6, 2013, Rand Beers became the Acting Secretary of DHS, replacing Secretary Janet Napolitano;

WHEREAS, on November 6, 2013, the parties filed a joint stipulation and proposed order to continue their case management conference from November 14, 2013 to February 13, 2014, explaining that the parties were in the final stages of negotiating a potential resolution to this action and expected that a further settlement conference with Magistrate Judge Laurel Beeler would be held on November 18 or 20, 2013, if they were unable to reach agreement before that time (Dkt. No. 191);

WHEREAS, on November 7, 2013, the Court continued the parties' case management conference from November 14, 2013 to February 13, 2014 (Dkt. No. 192);

1	WHEREAS, the parties have subsequently engaged in settlement negotiations with the
2	assistance of Magistrate Judge Beeler (Dkt. Nos. 193-200) and anticipate that they will
3	imminently reach agreement as to the terms of settlement of this action, and Plaintiffs will be
4	filing an unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion");
5	IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, as
6	follows:
7	1. Plaintiffs will file the unopposed Motion on or before December 19, 2013.
8	2. The Motion shall be heard on January 23, 2014, or such later date as is convenient to
9	the Court.
10	3. Pursuant to Fed. R. Civ. P. 25(d), John Sandweg and Rand Beers shall be substituted
11	for Defendants John T. Morton and Janet Napolitano in this action, and the caption in
12	this action shall be styled as follows to reflect the aforementioned substitution:
13	UNITED STATES DISTRICT COURT
14	NORTHERN DISTRICT OF CALIFORNIA
15	SAN FRANCISCO DIVISION
16	UELIAN DE ABADIA-PEIXOTO, et al.,  ) Case No.: 3:11-cv-4001 RS
ا 17	Plaintiffs, CLASS ACTION
18	v. )
19	UNITED STATES DEPARTMENT OF )
20	HOMELAND SECURITY, RAND BEERS, ) Acting Secretary of the United States Department ) of Homeland Security, UNITED STATES )
21	IMMIGRATION AND CUSTOMS ) ENFORCEMENT, JOHN SANDWEG, Acting )
22	Director of U.S. Immigration and Customs  Enforcement, TIMOTHY AITKEN, Field Office  )
23	Director of the San Francisco District of U.S. ) Immigration and Customs Enforcement, ERIC H. )
24	HOLDER, JR., United States Attorney General, THE EXECUTIVE OFFICE FOR  )
25	IMMIGRATION REVIEW, and JUAN P. ) OSUNA, Director of the Executive Office for )
26	Immigration Review,
27	Defendants.
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1	Dated: November 22, 2013	Respectfully submitted,
2		By: /s/ Catherine E. Moreno Catherine E. Moreno
3		
4		WILSON SONSINI GOODRICH & ROSATI Professional Corporation
5		David J. Berger Thomas J. Martin
6		Angie Young Kim Savith S. Iyengar
7		Briza Sanchez
8		LAWYERS' COMMITTEE FOR CIVIL RIGHTS Paul Chavez
9		AMERICAN CIVIL LIBERTIES UNION
10		FOUNDATION OF NORTHERN CALIFORNIA, INC.
11		Julia Harumi Mass Alan L. Schlosser
12		Attorneys for Plaintiffs
13		
14	Dated: November 22, 2013	By: <u>/s/ Erez Reuveni</u> Erez Reuveni
15		Trial Attorney
16		U.S. Department of Justice P.O. Box 868, Ben Franklin Station
17		Washington, DC 20044 Telephone: (202) 305-0899
18		Facsimile (202) 616-8962 Email: erez.r.reuveni@usdoj.gov
19		STUART F. DELERY
20		Assistant Attorney General Civil Division
21		
22		DAVID J. KLINE Director
23		Office of Immigration Litigation District Court Section
24		Attorneys for Defendants
25		
26		
27		
28		
		-3-

 $\begin{array}{ll} \mbox{Joint Stipulation and [Proposed] Order} \\ 3:11\mbox{-}\mbox{CV-}4001\,\mbox{RS} \end{array}$ 

1	SIGNATURE ATTESTATION
2	I, Savith S. Iyengar, attest that I obtained the concurrence of Catherine E. Moreno and
3	Erez Reuveni in filing this document. I declare under penalty of the laws of the United States
4	that the foregoing is true and correct.
5	Executed this 22nd day of November, 2013 in San Francisco, California.
6	/s/ Savith S. Iyengar
7	Savith S. Iyengar
8	
9	PURSUANT TO STIPULATION, IT IS SO ORDERED.
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11	$\sim 1101$
12	Dated: 11/25/13
13	Honorable Richa Seeborg United States District Judge
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